

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

POSITIVE TECHNOLOGIES, INC.

Plaintiff,

v.

TOSHIBA AMERICA CONSUMER
PRODUCTS L.L.C., AND LG DISPLAY CO.
LTD.,

Defendants,

Civil Action No. 2:07-cv-00067-TJW

AND RELATED COUNTERCLAIMS

**STIPULATION OF DISMISSAL OF TOSHIBA AMERICA CONSUMER
PRODUCTS, L.L.C.**

Plaintiff Positive Technologies, Inc. (“Positive”) and Defendant Toshiba America Consumer Products, L.L.C. (“TACP”) stipulate and agree their respective claims against each other asserted in this action, including all claims asserted in the Complaints, Amended Complaints and Counter-Claims and Amended Counter-Claims should be dismissed with prejudice and that they should each bear their own costs and expenses, including attorney fees, incurred in this action. Attached is a proposed Order to dismiss TACP from this action. This stipulation does not affect Positive’s claims with regard to the remaining defendant.

Respectfully submitted,

/s/ Collin Maloney
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Respectfully submitted,

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Counsel for Defendant Toshiba America
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via the Court's electronic notification system to all counsel of record on this the 6th day of October 2008.

/s/ Collin Maloney